

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ELAINE SQUERI

Plaintiff

Docket No. 06 cv 6786  
(LDW)(AKT)

-against-

**DEFENDANTS'  
PROPOSED VOIR DIRE**

SEAFIELD SERVICES, INC. and  
JOHN HALEY

Defendants  
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Defendants Seafield, Services, Inc. and John Haley, respectfully submit the following Voir Dire questions and request that they be asked of the proposed jury.

**GENERAL:**

1. Do you personally know or know anything about any of the parties in this case or have you heard of them? If so, how do you know them? What do you know or what have you heard?

Elaine Squeri

Seafield Services, Inc.

John Haley.

2. You will hear the plaintiff present both her arguments and her witnesses first in this case. The temptation will be to draw a conclusion before you have heard all of the testimony. Can you assure these attorneys and this court that you will keep an open mind until the defendants have had an opportunity to present their case?

3. Have you or anyone in your family been a plaintiff or a defendant in a lawsuit? If yes, will anything about that experience affect your ability to be a fair and impartial juror to the parties in this case?

4. Are you an attorney or do you have any attorneys in your family?

5. If so

- for whom are they employed?
- what type of law do they practice?

6. Do any of you think that someone wouldn't file a lawsuit unless the other person actually did something wrong. In other words, does anyone here think that simply because we are in court today the defendants must have done something wrong?

7. Have any of you owned a business.

8. If yes:

What type of business.

Do you have employees

Do you have certain expectation of your employees with respect to the performance of their work.

Do you believe you have the right to fire or terminate an employee who is not performing to your satisfaction.

9. Do you believe that just because someone sues a company that that person is entitled to money?

10. Have you or anyone close to you, either a family member or a friend, ever sat on a jury that awarded monetary damages?

11. Do you, or anyone close to you, either a family member or a friend, believe that a corporation has the same right to defend itself as an individual does?

12. If so why.

#### **EMPLOYMENT DISCRIMINATION:**

13. Have you or anyone close to you ever experienced employment discrimination, either having been accused of having discriminated against someone or having been discriminated against yourself?

14. If so please explain.

15. Do you or anyone close to you have any experience with the Americans With Disabilities Act or have you made any claims for protection under the Act?

16. Do you or anyone close to you have any experience with the New York State Human Rights Law?

17. Do you or anyone close to you have any experience with Title VII of the Civil Rights Act of 1964?

18. Have you or anyone close to you ever filed a complaint of employment discrimination with either the United States Equal Employment Opportunity Commission or the New York State Division of Human Rights or any local civil or employment rights agency?

19. If so explain the circumstances

20. Have you or anyone close to you ever filed a complaint of employment discrimination within your company?

21. If so explain the circumstances.

22. Have you or anyone close to you ever filed a lawsuit accusing your employer of disability or any other type of discrimination ?

23. If so explain the circumstances

24. What happened to that lawsuit?

25. Have you or anyone close to you ever been the victim of sexual harassment of any kind in the workplace.

26. Have you or anyone close to you ever filed a lawsuit accusing your employer, a supervisor or co-worker of sexual harassment?

27. If so explain.

28. Have any of you ever been the victim of a hostile work environment.

29. If so what did you do.

30. Have you or anyone close to you ever filed a lawsuit accusing your employer, a supervisor or co-worker of fostering a hostile work environment.

31. Have any of you ever felt that you were working in a hostile work environment because of your sex.

32. Have you ever been fired or terminated from a job.

33. If so what was the reason given for your firing.

34. Do you believe that the reason given for your firing was justified.

35. Was a lawsuit or claim filed as a result of this termination.

36. Was the claim resolved to your satisfaction

37. Have you ever been unjustly treated at a job?

38. Have you ever had a dispute with your employer where you wanted to sue the employer?

39. You will hear in this case, claims of psychological and emotional injury. Do you have any experience which might affect your ability to listen to these claims in an unbiased and fair fashion?

40. do you agree not to discuss with them during this trial the nature of the case or the testimony relating thereto?

41. Have you or anyone close to you, either a family member or a friend, ever consulted a mental health professional such as a social worker, psychiatrist or psychologist?

42. Have you or anyone close to you, either a family member or a friend ever owned a business?

43. Have you or anyone close to you, either a family member or a friend ever managed employees?

**DISABILITIES:**

44. Do you or anyone close to you consider yourself or themselves to have a disability?

45. Do you or anyone close to you have a history of having a disability or serious medical condition or disease?

46. Have you or anyone close to you been regarded as disabled by your employer?

47. Do you any or anyone close to you suffer from a disability that has effected your or their ability to work at your or any other job?

48. Have you or anyone close to you ever taken a leave where you were paid a portion of your salary through your employer's disability insurance?

49. If so what was the reason for your leave?

50. Are you or anyone close to you a cancer survivor?

51. Are you or anyone close to you a breast cancer survivor?

52. Have you or anyone close to you ever undergone a biopsy for breast or any other type of cancer?

53. If so please explain?

54. Have you or anyone close to you ever undergone a lumpectomy to treat breast cancer?

55. Have you or anyone close to you ever undergone radiation to treat breast or any other type of cancer?

56. Have you or anyone close to you ever undergone chemotherapy to treat breast or any other type of cancer.

57. Have you or anyone close to you undergone a mastectomy or breast removal?

58. Have you or anyone close to you ever undergone an elective mastectomy or breast removal?

59. Have you or anyone close to you undergone breast reconstruction after a mastectomy or breast removal?

60. Have any of you ever missed time from work because of undergoing some type of surgery?

61. Did you return to work after a period of recuperation?

**MOTIONAL DISTRESS:**

62. Have you ever suffered from any kind of emotional or mental distress?

63. Have you ever been seen by a mental health professional whether it be a social worker, psychologist or psychiatrist?

64. Please explain.

65. Are any of you on any kind of psychotropic drugs such as Zanax?

Dated: Garden City, New York  
October 29, 2008

DAVIDOFF MALITO & HUTCHER LLP

By: 

Mark E. Spund (MES 4705)

Attorneys for Defendants  
200 Garden City Plaza, Suite 315  
Garden City, New York 11530  
(516) 248-6400

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EASTERN DISTRICT OF NEW YORK

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Plaintiff

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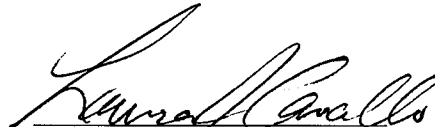
Defendants  
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**CERTIFICATE OF SERVICE**

I, LAURA J. CAVALLO, being duly sworn, deposes and says: I am not a party to this action, am over 18 years of age, and am employed by Davidoff Malito & Hutcher LLP in Nassau County, New York. I hereby certify that on June 8, 2007, I caused a copy of the within Defendants' Proposed Voir Dire to be served on

Brendan Chao, Esq.  
Attorney for Plaintiff  
67 Cutter Mill Road  
Great Neck, New York 11021

(a) by depositing a true copy of same enclosed in a plain envelope, first class mail postage paid, in an official depository under the exclusive care and custody of the United States Postal Service within New York State, and (b) by sending a copy of the Answer by telefax to (516) 466-2007, the telefax number for Brendan Chao, Esq. and by sending a copy by E-Mail to [bchao@bchaolaw.com](mailto:bchao@bchaolaw.com), the e-mail address for Brendan Chao

  
Laura J. Cavallo

Sworn to before me this  
29 day of October, 2008

  
Notary Public

MARK E. SPUND  
Notary Public, State of New York  
No. 02SP4674280  
Qualified in Nassau County  
Commission Expires March 30, 2010

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DAVIDOFF MALITO & HUTCHER LLP  
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By: \_\_\_\_\_  
Mark E. Spund